

Senate File 98 - Introduced

SENATE FILE 98

BY HANCOCK

A BILL FOR

1 An Act relating to the duty of a county to provide emergency
2 medical service and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.385, subsection 1, Code 2011, is
2 amended to read as follows:

3 1. A county may, by resolution, assume the exercise of
4 the powers and duties of township trustees relating to fire
5 protection service ~~and emergency medical service~~ for any
6 township located in the unincorporated area of the county.
7 Unless otherwise required to provide emergency medical service
8 on a countywide basis under section 331.386, a county may, by
9 resolution, assume the exercise of the powers and duties of
10 township trustees relating to emergency medical service for any
11 township located in the unincorporated area of the county.

12 Sec. 2. **NEW SECTION. 331.386 County duties relating to**
13 **emergency medical service.**

14 1. As used in this section and section 331.387, unless the
15 context otherwise requires:

16 a. "*Commission*" means an emergency medical service
17 commission established under section 331.387.

18 b. "*Special purpose district*" means a chapter 28E agency
19 authorized by law to provide emergency medical services, an
20 emergency medical services district under chapter 357F, a city
21 emergency medical services district under chapter 357G, or an
22 emergency response district under chapter 357J.

23 2. In lieu of the authority to provide emergency medical
24 service under section 331.385, a county shall provide emergency
25 medical service for all incorporated and unincorporated areas
26 of the county, including areas located outside of the county
27 if applicable under subsection 5, pursuant to this section and
28 section 331.387 if any of the following occur:

29 a. An area of the county is not currently receiving
30 emergency medical service and a petition, resolution,
31 ordinance, or other official action has not been filed,
32 proposed, or enacted to provide such service to that area in
33 the future.

34 b. Except as provided in subsection 5, paragraph "b", each
35 city located in whole or in part in the county, each township

1 in the county, and the board enter into an agreement for the
2 county to provide emergency medical service on a countywide
3 basis.

4 3. Each county required to provide emergency medical
5 service under subsection 2 shall:

6 a. Adopt a resolution stating the reason for providing
7 emergency medical service.

8 b. Establish a commission under section 331.387 as soon as
9 practicable following adoption of the resolution required in
10 paragraph "a".

11 c. Provide emergency medical service in the county according
12 to a transition plan proposed by the commission under section
13 331.387 and adopted by the board. A transition plan adopted by
14 the board shall not be in effect for more than two years.

15 4. If a county provides emergency medical service under this
16 section, no city, township, or other special purpose district
17 located in the county shall provide emergency medical service
18 except as allowed as part of a transition plan. Each city,
19 township, and special purpose district that previously provided
20 emergency medical service shall not be liable for the method,
21 manner, or means by which the county provides emergency medical
22 service.

23 5. a. Except as provided in paragraph "b", a county that
24 provides emergency medical service under this section shall
25 also provide emergency medical service to the areas of a city
26 located outside the boundaries of the county if an area of that
27 city also lies within the boundaries of the county.

28 b. Cities located in more than one county may opt out of
29 compliance with the requirements of this section upon the
30 approval of the city council and if all areas of that city are
31 currently receiving emergency medical service by a different
32 method authorized by law.

33 6. All real and personal property used to provide emergency
34 medical service to areas of the county by a township, city, or
35 special purpose district shall be transferred to the county

1 if required by the transition plan. The county shall, if
 2 required in the transition plan, assume all of the outstanding
 3 obligations of the cities, townships, and special purpose
 4 districts attributable to providing emergency medical service
 5 in the county. If a city, township, or other special purpose
 6 district provides emergency medical service by agreement
 7 outside of the county's boundaries, the county shall continue
 8 to provide emergency medical service to that area subject to
 9 the agreement for ninety days after adoption of the transition
 10 plan or until expiration of the emergency medical services
 11 agreement, whichever is later.

12 7. Nothing in this section or section 331.387 shall be
 13 construed to limit a county's authority to provide emergency
 14 medical service by agreement under chapter 28E.

15 8. A county providing emergency medical service under this
 16 section shall not impose any optional tax authorized under
 17 chapter 422D. A county ordinance imposing such an optional
 18 tax shall be repealed according to the requirements of chapter
 19 422D. Any remaining revenue in an emergency medical services
 20 trust fund under section 422D.6 shall then be transferred
 21 to the emergency medical service fund created under section
 22 331.424D.

23 9. If a county is providing emergency medical services
 24 under this section, the county shall continue to provide such
 25 services until an agreement is approved by each city and
 26 township in the county and by the board to provide and finance
 27 emergency medical service to all areas of the county by other
 28 methods authorized by law. Such an agreement shall include
 29 provisions for the distribution of personnel, equipment,
 30 assets, and obligations of the county to each city and township
 31 that is receiving emergency medical service from the county
 32 under this section.

33 Sec. 3. NEW SECTION. 331.387 County emergency medical
 34 service commission.

35 1. Each emergency medical service commission shall

1 facilitate the delivery and funding of emergency medical
2 service to residents of the county and may adopt the necessary
3 rules and procedures or establish subcommittees for the
4 implementation of this section and section 331.386.

5 2. *a.* The commission shall consist of all of the following:

6 (1) One member of the board.

7 (2) The mayor from each city located in whole or in part
8 within the county, except those cities that opt out under
9 section 331.386, subsection 5.

10 (3) Three residents of the county appointed by the board
11 who possess operational and technical experience in providing
12 emergency medical service. The term for each appointee under
13 this subparagraph shall be two years, and each appointee may be
14 reappointed without limitation.

15 *b.* A member of the commission shall not appoint a designee
16 to serve on the commission in the member's capacity.

17 *c.* Members of the commission shall not receive compensation,
18 but they shall be reimbursed for their actual and necessary
19 expenses incurred in the performance of their official duties.

20 3. Emergency medical services shall be paid from the
21 emergency medical service fund under section 331.424D. The
22 commission may purchase, own, rent, or maintain emergency
23 medical service apparatus or equipment and provide housing
24 for such equipment. The commission may employ and train
25 emergency medical service personnel and other personnel and may
26 perform all other acts necessary to carry out this section and
27 section 331.386. If necessary, the commission shall plan and
28 coordinate emergency medical service with the local emergency
29 management commission and emergency management coordinator
30 under chapter 29C and the joint E911 service board under
31 chapter 34A.

32 4. The commission may anticipate the collection of taxes
33 authorized by section 331.424D and for such purposes direct
34 the county board to issue bonds under sections 331.441 through
35 331.449, relating to essential county purpose bonds, except

1 that the bonds are payable only from tax levies on property
2 subject to the levy under section 331.424D.

3 5. Within sixty days after the commission is established,
4 the commission shall submit a proposed transition plan to the
5 board. The transition plan shall include all of the following:
6 a. A list of all personnel, equipment, facilities, and
7 other available resources that may be utilized by the county
8 to provide emergency medical service, including a list
9 of additional personnel, equipment, facilities, and other
10 resources that are needed to provide emergency medical service.
11 The transition plan shall also include any necessary procedures
12 for the transfer of current city, township, and special purpose
13 district personnel, equipment, and resources to the county.

14 b. Financial information, including lists of assets and
15 obligations of the cities, townships, and special purpose
16 districts that are currently providing emergency medical
17 service in the county.

18 c. Procedures and a schedule for the transition of
19 delivery and funding of emergency medical service, including
20 the dissolution, modification, or termination of any special
21 purpose districts or contracts that provide emergency medical
22 service within the county. The transition plan shall also
23 recommend procedures and a schedule for the discontinuance of
24 any optional tax imposed by the county under chapter 422D.

25 d. A structure for administration, management, and
26 employment of emergency medical service personnel, equipment,
27 facilities, and resources.

28 e. Other transition provisions deemed relevant by the
29 commission.

30 6. The board may amend the proposed transition plan prior
31 to adoption, but if a transition plan is not adopted by the
32 board within thirty days of submission, the transition plan
33 as submitted by the commission shall be deemed to have been
34 adopted by the board.

35 7. By January 15 of each year, the commission shall

1 determine and submit annually to the board a proposed emergency
2 medical service budget.

3 Sec. 4. NEW SECTION. 331.424D **Emergency medical service**
4 **fund — property tax levy.**

5 1. A county that is providing emergency medical service
6 pursuant to sections 331.386 and 331.387 shall establish an
7 emergency medical service fund and may certify taxes for levy
8 in the county not to exceed eighty cents per thousand dollars
9 of the assessed value of all taxable property located in the
10 county, except property located in a city that has opted out
11 under section 331.386, subsection 5. The tax shall be set to
12 raise only the amount needed.

13 2. If the levy authorized under subsection 1 is insufficient
14 to provide the services required under sections 331.386 and
15 331.387, the board may levy an additional annual tax not
16 exceeding twenty cents per thousand dollars of assessed value
17 of the taxable property that is subject to the tax under
18 subsection 1.

19 3. Of the levy authorized under subsections 1 and 2, the
20 board may credit to a reserve account annually an amount not
21 to exceed thirty cents per thousand dollars of the assessed
22 value of the taxable property in the county for the purchase
23 or replacement of supplies and equipment required to carry
24 out the services specified in sections 331.386 and 331.387.
25 Notwithstanding section 12C.7, interest earned on moneys
26 credited to the reserve account shall be credited to the
27 reserve account.

28 Sec. 5. Section 357F.12, Code 2011, is amended to read as
29 follows:

30 **357F.12 Dissolution of district.**

31 1. ~~Upon~~ Except as provided under subsection 2, upon petition
32 of thirty-five percent of the resident eligible electors, the
33 board may dissolve a district and dispose of any remaining
34 property, the proceeds of which shall first be applied against
35 outstanding obligations and any balance shall be applied to

1 tax credit of property owners of the district. However, if
2 the district is annexed, the board of supervisors may transfer
3 the remaining property and balance to the city which annexed
4 the territory. The board shall continue to levy a tax after
5 dissolution of a district, of not to exceed twenty-seven cents
6 per thousand dollars of assessed value on all the taxable
7 property of the district, until all outstanding obligations of
8 the district are paid.

9 2. The board shall dissolve or modify a district if required
10 by a transition plan adopted pursuant to sections 331.386 and
11 331.387.

12 Sec. 6. Section 357G.12, Code 2011, is amended to read as
13 follows:

14 **357G.12 Dissolution of district.**

15 1. Upon Except as provided under subsection 2, upon petition
16 of thirty-five percent of the resident eligible electors, the
17 council may dissolve a district and dispose of any remaining
18 property, the proceeds of which shall first be applied against
19 outstanding obligations and any balance shall be applied to tax
20 credit of property owners of the district. The council shall
21 continue to levy a tax after dissolution of a district, of not
22 to exceed twenty-seven cents per thousand dollars of assessed
23 value on all the taxable property of the district, until all
24 outstanding obligations of the district are paid.

25 2. The council shall dissolve or modify a district if
26 required by a transition plan adopted pursuant to sections
27 331.386 and 331.387.

28 Sec. 7. Section 357J.7, Code 2011, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 4. Notwithstanding the plan for
31 dissolution of the district approved under section 357J.6, the
32 board shall dissolve or modify a district if required by a
33 transition plan pursuant to sections 331.386 and 331.387.

34 Sec. 8. Section 359.42, Code 2011, is amended to read as
35 follows:

1 **359.42 Township fire protection service, emergency warning**
2 **system, and emergency medical service.**

3 Except as otherwise provided in section 331.385, the
4 trustees of each township shall provide fire protection service
5 for the township, exclusive of any part of the township within
6 a benefited fire district and may provide emergency medical
7 service unless prohibited under section 331.386. The trustees
8 may purchase, own, rent, or maintain fire protection service
9 or emergency medical service apparatus or equipment or both
10 kinds of apparatus or equipment and provide housing for the
11 equipment. The trustees of a township which is located within
12 a county having a population of three hundred thousand or
13 more may also establish and maintain an emergency warning
14 system within the township. The trustees may contract with a
15 public or private agency under chapter 28E for the purpose of
16 providing any service or system required or authorized under
17 this section.

18 Sec. 9. EFFECTIVE DATE. This Act takes effect January 1,
19 2012.

20 EXPLANATION

21 Under current Code section 331.385, a county may, by
22 resolution, assume the exercise of the powers of township
23 trustees relating to emergency medical service for any township
24 located in the unincorporated area of the county. This bill
25 requires a county to provide emergency medical service for all
26 incorporated and unincorporated areas of the county if either
27 (1) an area of the county is not currently provided emergency
28 medical service and a petition, resolution, ordinance, or
29 other official action has not been filed, proposed, or enacted
30 to provide such service to that area in the future, or (2)
31 each city located in whole or in part in the county, except
32 those cities that opt out under the bill, each township in the
33 county, and the board of supervisors enter into an agreement
34 for the county to provide emergency medical service on a
35 countywide basis.

1 The bill specifies the procedures for each county
2 required to provide emergency medical service, including the
3 establishment of an emergency medical service commission
4 consisting of one member of the board of supervisors, the
5 mayor from each city located in whole or in part within the
6 county, except those cities that opt out, and three residents
7 of the county appointed by the board of supervisors who possess
8 operational and technical experience in providing emergency
9 medical service. The emergency medical service commission is
10 responsible for submitting a transition plan to the board of
11 supervisors for approval. A transition plan is required to
12 include specified information relating to personnel, equipment,
13 facilities, and other available resources that may be utilized
14 or that may be needed by the county to provide emergency
15 medical service, any necessary procedures for the transfer of
16 current city, township, and special purpose district personnel,
17 equipment, and resources to the county, financial information,
18 including lists of assets and obligations of the cities,
19 townships, and special purpose districts that are currently
20 providing emergency medical service in the county, procedures
21 and a schedule for the transition of delivery and funding of
22 emergency medical service, a structure for administration,
23 management, and employment of emergency medical service
24 personnel, equipment, facilities, and resources, and other
25 transition provisions deemed relevant by the commission.

26 The commission is required to facilitate the delivery and
27 funding of emergency medical service to residents of the county
28 and is authorized to purchase, own, rent, or maintain emergency
29 medical service apparatus or equipment and provide housing
30 for such equipment. The commission may also employ and train
31 emergency medical service personnel and other personnel, and
32 may perform all other acts necessary to carry out its duties.
33 By January 15 of each year, the commission shall submit
34 annually to the board of supervisors a proposed emergency
35 medical service budget. The commission may anticipate the

1 collection of taxes authorized by new Code section 331.424D
2 and for such purposes direct the county board of supervisors
3 to issue bonds that are payable only from tax levies under new
4 Code section 331.424D.

5 If a county provides emergency medical service under the
6 bill, no city, township, or other special purpose district
7 located in the county shall provide emergency medical service
8 except as allowed as part of a transition plan. Cities located
9 in more than one county may opt out of compliance with the bill
10 upon the approval of the city council and if all areas of that
11 city are currently receiving emergency medical service by a
12 different method authorized by law.

13 The bill requires real and personal property used to provide
14 emergency medical service to areas of the county by a township,
15 city, or special purpose district to be transferred to the
16 county, if required by the transition plan, and requires the
17 county to assume all of the outstanding obligations of the
18 cities, townships, and special purpose districts attributable
19 to providing emergency medical service in the county, if
20 required by the transition plan. A county providing emergency
21 medical service under the bill is prohibited from imposing any
22 optional tax authorized under Code chapter 422D.

23 A county providing emergency medical services under the bill
24 shall continue to provide such services until an agreement is
25 approved by each city and township in the county and by the
26 board of supervisors to provide and finance emergency medical
27 service to all areas of the county by other methods authorized
28 by law.

29 The bill authorizes a county that is providing emergency
30 medical service under new Code sections 331.386 and 331.387 to
31 establish an emergency medical service fund and may certify
32 taxes for levy in the county not to exceed 80 cents per \$1,000
33 of the assessed value of all taxable property located in the
34 county, except the property located in a city that has opted
35 out. If such levy is insufficient to provide the services

1 needed, the board of supervisors may levy an additional annual
2 tax not exceeding 20 cents per \$1,000 of assessed value. Of
3 the total amount levied, the board of supervisors may credit
4 to a reserve account annually an amount not to exceed 30 cents
5 per \$1,000 of the assessed value of the taxable property in
6 the county for the purchase or replacement of supplies and
7 equipment required to carry out the requirements of the bill.

8 The bill also includes provisions relating to the
9 dissolution, modification, or termination of certain special
10 purpose districts, as defined in the bill, optional taxes, and
11 contracts previously used to provide emergency medical service
12 within the county.

13 The bill takes effect January 1, 2012.